

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:22-cr-0074-TWP-MG
	)	
DERRELL HASAN MUHAMMAD,	)	- 01
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

On November 15, 2022, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on October 26, 2022. Defendant Muhammad appeared in person with his appointed counsel William Dazey. The government appeared by Samantha Spiro, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Troy Adamson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Muhammad of his rights and provided him with a copy of the petition. Defendant Muhammad orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Muhammad admitted violation numbers 1, 2 and 3. [Docket No. 10.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation  
Number**

**Nature of Noncompliance**

- 1 **“You must refrain from any unlawful use of a controlled substance.”**

On October 14, 2022, Mr. Muhammad submitted a urine sample which tested positive for marijuana and fentanyl. During the collection of the sample he admitted using marijuana and taking "pain pills" containing fentanyl.

As previously reported to the Courts, on May 19, 2022, the Northern District of Ohio was notified the offender tested positive for marijuana on May 16, 2022. On July 21, 2022, Mr. Muhammad submitted a urine sample which tested positive for marijuana. On September 9, 2022, he submitted a urine sample which tested positive for marijuana, opiates, and fentanyl. He admitted using the substances in each instance.

- 2 **“The defendant shall participate in an approved program of substance abuse testing and outpatient or inpatient substance abuse treatment as directed by their supervising officer; and abide by the rules of the treatment program. The probation officer will supervise your participation in the program (provide, location, modality, duration, intensity, etc.). The defendant shall not obstruct or attempt to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing.”**

On May 19, 2022, Mr. Muhammad was referred to treatment for substance abuse and was required to attend sessions twice each month. According to his treatment therapist, he attended sessions through the end of June 2022. He did not attend sessions in July or August, and attended two sessions in September. He has not yet scheduled any sessions in October 2022.

- 3 **“The defendant must pay the total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.”**

Mr. Muhammad owes \$30,400 on his restitution. While on supervised release he has made one payment totaling \$25. He last made a payment on June 23, 2022, and is in default.

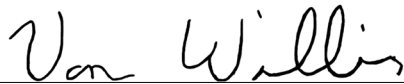
4. The parties stipulated that:
  - (a) The highest grade of violation is a Grade B violation.
  - (b) Defendant's criminal history category is IV.
  - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 12 to 18 months' imprisonment.

5. The parties jointly recommended a sentence of 12 months and 1 day with no supervised release to follow. Defendant requested placement at FCC Butner.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 12 months and 1 day with no supervised release to follow. The Magistrate Judge will make a recommendation of placement at FCC Butner. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 11/15/2022



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VAN WILLIS  
United States Magistrate Judge  
Southern District of Indiana

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